

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed March 28, 2005. Claims 1-33 were pending in the Application. In the Office Action, Claims 1-33 were rejected. Claims 1-33 remain pending in the Application. Applicant respectfully requests reconsideration and favorable action in this case.

In the Office Action, the following actions were taken or matters were raised:

SECTION 102 REJECTIONS

Claims 1-33 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,405,318 issued to Rowland (hereinafter "*Rowland*"). Applicant respectfully traverses this rejection.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987); MPEP 2131. Additionally, "[t]he identical invention must be shown in as complete detail as is contained in . . . the claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989); MPEP 2131.

Of the rejected claims, Claims 1, 11, 19 and 27 are independent. Applicant respectfully submits that *Rowland* does not disclose or even suggest each and every limitation of independent Claims 1, 11, 19 and 27.

Applicants respectfully remind the Examiner that 35 U.S.C. § 102 clearly states that "[a] person shall be entitled to a patent unless" Accordingly, the burden for proving anticipation under 35 U.S.C. § 102 is on the Examiner, and it is the Examiner who has to prove that a claim is not patentable. In rejecting independent Claim 1 (and remaining independent Claims 11, 19 and 27), the Examiner has not provided any reasoning or made any assertions as to why he believes that the portions of *Rowland* referred to anticipate independent Claims 1, 11, 19 and 27. To the contrary, the Examiner merely recites

Applicant's claim limitation(s) followed by a general recitation of column and line numbers of *Rowland*. For example, with respect to Applicant's independent Claim 1, the Examiner merely recites the limitations of independent Claim 1 and then merely states "(Col. 3, lines 30-67 and Col. 4, lines 1-48)" (Office Action, pages 2-3) without indicating which components of *Rowland* the Examiner is relying on to purportedly teach the limitations of independent Claim 1. Applicant submits that the cited portions of *Rowland* do not teach or suggest all limitations of independent Claims 1, 11, 19 and 27. Because the Office Action fails to provide any indication of which components of *Rowland* are relied upon by the Examiner to teach the limitations of independent Claims 1, 11, 19 and 27, Applicant finds it difficult, if not impossible, to adequately address the Examiner's rejection. Applicant requests the Examiner to clearly indicate which components of *Rowland* the Examiner is relying on to teach the limitations of independent Claims 1, 11, 19 and 27 so that Applicant may have an opportunity to address the Examiner's concerns. For example, independent Claim 1 recites: "a processor," "a memory accessible by the processor," a monitor application," "a profile application," "an activity profile associated with [a] network node [generated] using the monitored network activity" and "a recognition engine." The portions of *Rowland* referred to by the Examiner fail to disclose or even suggest the limitations recited by independent Claim 1, and Applicant is unable to determine why the Examiner believes that the portions of *Rowland* referred to by the Examiner anticipate independent Claim 1. Applicants respectfully remind the Examiner that in order to make a prima facie case of anticipation, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim" and that each and every element as set forth in the claim must be found in the reference. Applicant submits that such detail is lacking in *Rowland*, and the Office Action fails to explain why the Examiner believes that such detail is present in *Rowland*. As just one example, Applicant submits that *Rowland* does not teach or even suggest "a monitor application . . . adapted to monitor network activity associated with a network node" and "a profile application . . . adapted to automatically generate an activity profile associated with the network node using the monitored network activity" as recited by independent Claim 1. Therefore, for at least this reason, Applicant submits that *Rowland* does not anticipate independent Claim 1.

For at least the reasons discussed above, *Rowland* also does not anticipate independent Claims 11, 19 and 27, nor the Examiner has not provided any reasoning or made any assertions as to why he believes that the portions of *Rowland* referred to anticipate independent Claims 11, 19 and 27. To the contrary, as discussed above, the Examiner merely recites Applicant's claim limitations followed by a general recitation of column and line numbers of *Rowland* (Office Action, pages 2-3, 5 and 6) without indicating which components of *Rowland* the Examiner is relying on to purportedly teach the limitations of independent Claims 11, 19 and 27. Applicant requests the Examiner to clearly indicate which components of *Rowland* the Examiner is relying on to teach the limitations of independent Claims 11, 19 and 27 so that Applicant may have an opportunity to address the Examiner's concerns. The portions of *Rowland* referred to by the Examiner fail to disclose or even suggest the limitations recited by independent Claims 11, 19 and 27, and Applicant is unable to determine why the Examiner believes that the portions of *Rowland* referred to by the Examiner purportedly teach such limitations. For example, Applicant submits that *Rowland* does not teach or even suggest "monitoring network activity associated with a network node for a predetermined time period," "automatically generating an activity profile . . . using the monitored network activity," "identifying a network event associated with the network node" and "automatically determining whether the network event is authorized for the network node using the activity profile" as recited by independent Claim 11, "a monitoring application . . . adapted to monitor network activity between [a] plurality of nodes," "a profile application . . . adapted to generate an activity profile for each of the plurality of nodes" and "a recognition engine . . . adapted to compare a network event corresponding to one of the plurality of nodes to the activity profile . . . to determine whether the network event is authorized for the one node" as recited by independent Claim 19, or "a profile application . . . adapted to monitor network activity and generate an activity profile using the monitored network activity, the activity profile used to determine whether a network event is authorized" as recited by independent Claim 27. Therefore, for at least these reasons, Applicant submits that *Rowland* does not anticipate independent Claims 11, 19 and 27.

Claims 2-10, 12-18, 21-26 and 28-33 that depend respectively from independent Claims 1, 11, 19 and 27 are also not anticipated by *Rowland* at least because they incorporate

the limitations of respective Claims 1, 11, 19 and 27 and, also, they add additional elements that further distinguish *Rowland*. Therefore, Applicant respectfully requests that the rejection of Claims 2-10, 12-18, 21-26 and 28-33 be withdrawn.

CONCLUSION

Applicant has made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests reconsideration and full allowance of all pending claims.

No fee is believed due with this Response. If, however, Applicant has overlooked the need for any fee due with this Response, the Commissioner is hereby authorized to charge any fees or credit any overpayment associated with this Response to Deposit Account No. 08-2025 of Hewlett-Packard Company.

Respectfully submitted,

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